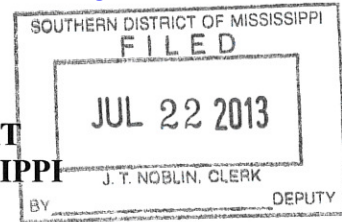


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



MILTON MAGEE

PLAINTIFF

VS.

CIVIL ACTION NO.:

3:13 CV 450 H Tw
URA

FEDEX FREIGHT EAST, INC. AND
JOHN AND JANES DOES 1-10

DEFENDANTS

NOTICE OF REMOVAL TO FEDERAL COURT

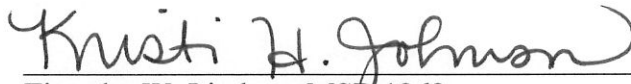
Defendant, FedEx Freight, Inc. (improperly referred to by the Plaintiff as "FedEx Freight East, Inc.") ("FedEx") hereby removes this case from the Circuit Court of Rankin County, Mississippi to the United States District Court for the Southern District of Mississippi, Jackson Division. In support of this Notice, FedEx states the following:

1. This action, styled *Milton Magee v. FedEx Freight East, Inc. and John and Jane Does 1-10*, was filed in the Circuit Court for Rankin County, Mississippi on June 12, 2013 and designated by Cause No. 2013-148.
2. FedEx was served with the Summons and Complaint through its agent for service of process, CT Corporation System, on June 20, 2013. The Complaint was the first and only document in this case from which it could be determined that this action is removable. Nothing further has occurred in the state court case. This Notice of Removal is being filed in a timely manner in accordance with the requirements of 28 U.S.C. § 1446(b).
3. This lawsuit is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by FedEx pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

4. On the face of his Complaint, Plaintiff raises a federal question pursuant to the Americans with Disabilities Act, 42 U.S.C. § 1211, *et seq.* Consequently, this Court has original jurisdiction over this action pursuant to the provisions of 28 U.S.C. § 1331.
5. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon FedEx to date are attached hereto collectively as Exhibit A.
6. In accordance with the requirements of 28 U.S.C. § 1446(d), upon filing this Notice, FedEx has given notice to Plaintiff and the Clerk of Court of the Circuit Court for Rankin County, Mississippi by furnishing to each a copy of this Notice and all attachments hereto.

WHEREFORE, Defendant, FedEx Freight, Inc., hereby removes this action to the United States District Court for the Southern District of Mississippi, Jackson Division.

Respectfully submitted,



Timothy W. Lindsay, MSB 1262

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Attorneys for Defendant FedEx Freight, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal was served by regular U.S. Mail, postage fully prepaid, and facsimile this 18th day of July, 2013 upon the following:

Teresa E. Harvey
120 North Congress Street
Suite 200
Jackson, Mississippi 39201
Telephone: (601) 948-8005
Facsimile: (601) 948-8010


Kristi H. Johnson

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